

HF2020	
HF2021	
HF2022	ç
HF2023	
HF2024	17
HF2025	19
HF2026	21
HF2027	23
SSB3033	26
SSB3034	29
SSB3035	31
SSB3036	33
SSB3037	36
SSB3038	48
SSB3039	50
SSB3040	54
SSB3041	61



House File 2020 - Introduced

HOUSE FILE 2020

BY WESSEL-KROESCHELL, DAWSON,
HUNTER, and HEDDENS

- 1 An Act relating to procedures for child abuse investigations by
- 2 the department of human services.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



H.F. 2020

- 1 Section 1. Section 232.71B, Code 2014, is amended by adding 2 the following new subsection:
- NEW SUBSECTION. 2A. Notice of rights.
- 4 a. (1) Upon commencing an assessment, the department, at
- 5 the time of an initial face-to-face contact with the person
- 6 responsible for the care of the child, shall provide that
- 7 person with written notice of all of the following:
- 8 (a) The person responsible for the care of the child is
- 9 not required to permit the child protection worker to enter
- 10 the residence of the person responsible for the care of the
- 11 child. However, if permission is refused, the juvenile court
- 12 or district court may authorize the child protection worker to
- 13 enter the home to interview or observe the child upon a showing
- 14 of probable cause.
- 15 (b) The person responsible for the care of the child is not
- 16 required to speak with the child protection worker.
- 17 (c) The person responsible for the care of the child is
- 18 entitled to seek the representation of an attorney and to have
- 19 an attorney present when the person responsible for the care of
- 20 the child is questioned by the child protection worker.
- 21 (d) Any statement made by the person responsible for
- 22 the care of the child or other family member may be used
- 23 against the person responsible for the care of the child in an
- 24 administrative or court proceeding.
- 25 (e) The child protection worker is not an attorney and
- 26 cannot provide legal advice to the person responsible for the
- 27 care of the child.
- 28 (f) The person responsible for the care of the child is not
- 29 required to sign any document presented by the child protection
- 30 worker including but not limited to a release of claims or a
- 31 service agreement, and is entitled to have an attorney review
- 32 such document before agreeing to sign the document.
- (g) A failure of the person responsible for the care of the
- 34 child to communicate with the child protection worker may have
- 35 serious consequences, which may include the department's filing

LSB 5078YH (8) 85 ad/nh 1/4

-1-



H.F. 2020

1 of a petition for the removal of the child from the home of the 2 person responsible for the care of the child, and it is in the 3 best interest of the person responsible for the care of the 4 child to speak with the child protection worker or immediately 5 seek the advice of a qualified attorney.

- 7 responsible for the care of the child to sign and date the 8 notice described in subparagraph (1) as evidence of having 9 received the notice. If the person responsible for the 10 care of the child refuses to sign and date the notice upon 11 such request, the child protection worker shall specifically 12 indicate on the notice that the person responsible for the care 13 of the child was requested to sign and date the notice and 14 refused to do so and the child protection worker shall sign the 15 notice as witness to the refusal by the person responsible for 16 the care of the child to sign the notice. The department shall 17 provide the person responsible for the care of the child with 18 a copy of the signed notice at the time of the department's 19 initial face-to-face contact with the person responsible for 20 the care of the child.
- b. Notwithstanding paragraph "a", if an initial contact with the person responsible for the care of the child occurs telephonically, the department shall orally provide that person with notice of that person's rights as described in paragraph "a", subparagraph (1), subparagraph divisions (a) through (g). If the department has provided oral notice pursuant to this paragraph, the department shall also provide written notice as described in paragraph "a" upon the department's initial face-to-face contact with the person responsible for the care of the child.
- 31 c. The department shall make reasonable efforts to ensure 32 that the notice provided to a person responsible for the care 33 of the child pursuant to this section is provided in a manner 34 that will be understood by the person responsible for the care 35 of the child. For purposes of this paragraph, "reasonable"



H.F. 2020

1 efforts" includes but is not limited to ensuring that the notice 2 is provided in language understood by the person responsible 3 for the care of the child. d. Any statement made by the person responsible for 5 the care of the child, or by a child who is a member of the 6 person's family or household to the child protection worker 7 prior to the provision of notice as described in paragraph 8 \ddot{a} , or any statement made by the person responsible for 9 the care of the child prior to the provision of notice as 10 described in paragraph "b", shall be deemed inadmissible in any 11 administrative or court proceeding. e. For purposes of this subsection only, "person responsible 12 13 for the care of the child" means a person responsible for the 14 care of the child as described in section 232.68, subsection 8, 15 paragraphs "a" and "b". 16 EXPLANATION The inclusion of this explanation does not constitute agreement with 17 the explanation's substance by the members of the general assembly. 18 This bill adds a notice component to department of human 19 20 services (DHS) child abuse investigations. The bill requires 21 a DHS child protection worker to provide written notice to a 22 person responsible for the care of the child, meaning a parent, 23 guardian, foster parent, or relative or any other person with 24 whom the child resides and who assumes care or supervision of 25 the child when DHS conducts an initial face-to-face contact 26 with that person. The bill also requires DHS to provide oral notice to a person 27 28 responsible for the care of the child when DHS conducts an 29 initial contact telephonically. If a DHS child protection 30 worker has a face-to-face contact with the person responsible 31 for the care of the child after an initial telephone contact, 32 the DHS worker must provide written notice at the first initial 33 face-to-face contact as well. The notice must provide that the person responsible for 35 the care of the child is not required to allow the DHS child LSB 5078YH (8) 85



1	protection worker into the residence, is not required to
2	speak to the DHS child protection worker, is entitled to seek
3	representation of an attorney, and is not required to sign any
4	document presented by the DHS child protection worker. The
5	notice must also provide that any statement made by the person
6	responsible for the care of the child or other family member
7	may be used against the person, that the DHS child protection
8	worker is not an attorney and cannot provide legal advice,
9	and that the person's failure to communicate with the child
10	protection worker may have serious consequences.
11	The bill requires DHS to make reasonable efforts to provide
12	the notice in a manner which the person responsible for the
13	care of the child can understand. The written notice for
14	face-to-face contacts must be signed and dated.
15	The bill provides that any statement made by the person
16	responsible for the care of the child, or by a child who
17	is a family member of that person, is inadmissible in any
18	administrative or court proceeding prior to the provision
19	of the written notice. Additionally, any statement made
20	by the person responsible for the care of the child is
21	inadmissible in any administrative or court proceeding prior to
22	provision of oral notice when an initial contact was conducted $% \left(1\right) =\left(1\right) \left(1$
23	telephonically.



House File 2021 - Introduced

HOUSE FILE 2021 BY HEARTSILL

- 1 An Act relating to requirements for recipients of medical
- 2 assistance.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1	Section 1. MEDICAL ASSISTANCE — CONDITION OF PARTICIPATION
2	- COMPLIANCE WITH INDIVIDUALIZED HEALTH PLAN. The department
3	of human services shall require that a recipient of medical
4	assistance submit to a health risk assessment and comply
5	with any individualized health plan subsequently developed
6	by the individual's primary care provider for the recipient
7	as a condition of continued eligibility. The department
8	shall develop guidelines for the health risk assessment
9	and individualized health plans to be used by primary care
10	providers. The department shall submit any medical assistance
11	program state plan amendment or waiver request necessary to
12	implement this section.
13	EXPLANATION
14	The inclusion of this explanation does not constitute agreement with
15	the explanation's substance by the members of the general assembly.
16	This bill directs the department of human services (DHS)
17	to require that a recipient of medical assistance (Medicaid)
18	submit to a health risk assessment and comply with any
19	individualized health plan subsequently developed by the
20	individual's primary care provider for the recipient as a
21	condition of continued eligibility. DHS is required to develop
22	guidelines for the health risk assessment and individualized
23	health plans to be used by primary care providers and to submit
24	any medical assistance program state plan amendment or waiver
25	request necessary to implement the bill.



House File 2022 - Introduced

HOUSE FILE 2022 BY WOLFE

- 1 An Act relating to dissolutions of certain marriages which were
- 2 solemnized in the state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 598.2, Code 2014, is amended to read as 2 follows:
- 3 598.2 Jurisdiction and venue.
- 4 l. The district court has original jurisdiction of the
- 5 subject matter of this chapter. Venue shall be in the county
- 6 where either party resides.
- 7 2. Notwithstanding any provision to the contrary, the
- 8 district court has original jurisdiction of the dissolution
- 9 of a marriage solemnized in this state, notwithstanding that
- 10 the residence of the petitioner and respondent are not in
- 11 this state, if neither the petitioner nor respondent resides
- 12 in a jurisdiction that by law affirmatively permits such a
- 13 proceeding to be brought in the courts of that jurisdiction.
- 14 If neither the petitioner nor respondent for a dissolution of
- 15 marriage under this subsection resides in the state, a petition
- 16 for dissolution of the marriage shall be filed in the county in
- 17 which the parties were married. Unless otherwise provided in
- 18 this chapter, any action for dissolution of marriage under this
- 19 subsection shall be subject to the laws of this state.
- Sec. 2. Section 598.5, subsection 1, Code 2014, is amended
- 21 by adding the following new paragraph:
- 22 NEW PARAGRAPH. 1. Notwithstanding and in lieu of any
- 23 provision of this subsection to the contrary, if the residence
- 24 of the petitioner and the respondent are not in this state,
- 25 allege that the court has jurisdiction of the dissolution of
- 26 marriage pursuant to section 598.2, subsection 2, and state the
- 27 residence of the petitioner and the respondent.
- 28 Sec. 3. Section 598.9, Code 2014, is amended to read as
- 29 follows:
- 30 598.9 Residence failure of proof.
- 31 If Unless the court has jurisdiction of the dissolution
- 32 of marriage pursuant to section 598.2, subsection 2, if the
- 33 averments as to residence are not fully proved, the hearing
- 34 shall proceed no further, and the action be dismissed by the
- 35 court.

H.F. 2022

- 1 Sec. 4. Section 598.10, subsection 2, Code 2014, is amended 2 to read as follows:
- The court may make such an order when a claim for
- 4 temporary support is made by the petitioner in the petition, or
- 5 upon application of either party, after service of the original
- 6 notice and when no application is made in the petition;
- 7 however, no such order shall be entered until at least five
- 8 days' notice of hearing, and opportunity to be heard, is given
- 9 the other party. Appearance by an attorney or the respondent
- 10 for such hearing shall be deemed a special appearance for the
- ll purpose of such hearing only and not a general appearance. An
- 12 order entered pursuant to this section shall contain the names,
- 13 birth dates, addresses, and counties of residence, unless
- 14 inapplicable pursuant to section 598.2, subsection 2, of the
- 15 petitioner and respondent.
- 16 Sec. 5. Section 598.21, subsection 8, Code 2014, is amended
- 17 to read as follows:
- 18 8. Necessary content of order. Orders made pursuant to
- 19 this section need mention only those factors relevant to the
- 20 particular case for which the orders are made but shall contain
- 21 the names, birth dates, addresses, and counties of residence,
- 22 unless inapplicable pursuant to section 598.2, subsection 2, of
- 23 the petitioner and respondent.
- 24 Sec. 6. Section 598.21A, subsection 2, Code 2014, is amended
- 25 to read as follows:
- 26 2. Necessary content of order. Orders made pursuant to
- 27 this section need mention only those factors relevant to the
- 28 particular case for which the orders are made but shall contain
- 29 the names, birth dates, addresses, and counties of residence,
- 30 unless inapplicable pursuant to section 598.2, subsection 2, of
- 31 the petitioner and respondent.
- 32 Sec. 7. Section 598.21B, subsection 4, Code 2014, is amended
- 33 to read as follows:
- 34 4. Necessary content of order. Orders made pursuant to
- 35 this section need mention only those factors relevant to the

LSB 5104YH (5) 85 pf/nh

-2-



1	particular case for which the orders are made but shall contain		
2	the names, birth dates, addresses, and counties of residence,		
3	unless inapplicable pursuant to section 598.2, subsection 2, of		
4	the petitioner and respondent.		
5	Sec. 8. Section 598.21C, subsection 8, Code 2014, is amended		
6	to read as follows:		
7	8. Necessary content of order. Orders made pursuant to		
8	this section need mention only those factors relevant to the		
9	particular case for which the orders are made but shall contain		
10	the names, birth dates, addresses, and counties of residence,		
11	unless inapplicable pursuant to section 598.2, subsection 2, of		
12	the petitioner and respondent.		
13	Sec. 9. Section 598.21F, subsection 7, Code 2014, is amended		
14	to read as follows:		
15	7. Necessary content of order. Orders made pursuant to		
16	this section need mention only those factors relevant to the		
17	particular case for which the orders are made but shall contain		
18	the names, birth dates, addresses, and counties of residence,		
19	unless inapplicable pursuant to section 598.2, subsection 2, of		
20	the petitioner and respondent.		
21	EXPLANATION		
22	The inclusion of this explanation does not constitute agreement with		
23	the explanation's substance by the members of the general assembly.		
24	This bill relates to dissolution of marriage proceedings.		
25	Under current law, the district court has original jurisdiction		
26	over dissolutions of marriage, with venue being in the county		
27	where either party resides, and, unless the respondent is a		
28	resident of the state and is served by personal service, the		
29	petitioner must verify that the petitioner has resided in the		
30	state in good faith and not for the purpose of obtaining a		
31	dissolution of marriage only, for the last year. The bill		
32	provides that notwithstanding any provision to the contrary,		
33	the district court has original jurisdiction of the dissolution		
34	of a marriage solemnized in this state, notwithstanding that		
35	the residence of the petitioner and respondent are not in		
	LSB 5104YH (5) 85		



H.F. 2022

1 this state, if neither the petitioner nor respondent resides 2 in a jurisdiction that by law affirmatively permits such a 3 proceeding to be brought in the courts of that jurisdiction. 4 If neither the petitioner nor respondent for a dissolution of 5 marriage under the bill resides in the state, any petition for 6 dissolution of the marriage shall be filed in the county in 7 which the parties were married. Unless otherwise provided, any 8 action for dissolution of marriage under the new provision is 9 subject to the laws of this state. The bill provides that if 10 the residence of the petitioner and the respondent are not in 11 this state, instead of providing the county of residence of the 12 respondent and alleging residency in the state for one year, 13 the petitioner is to allege that the court has jurisdiction of 14 the dissolution of marriage under the new provision and state 15 the residence of the petitioner and the respondent. The bill 16 also makes conforming Code changes where references are made to 17 stating a county of residence.



House File 2023 - Introduced

HOUSE FILE 2023 BY KAUFMANN

- 1 An Act increasing penalties for criminal offenses involving
- 2 certain types of animals.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1	Section 1. Section 717B.3, subsection 3, Code 2014, is
2	amended to read as follows:
3	3. A person who negligently or intentionally commits
4	the offense of animal neglect is guilty of a simple serious
5	misdemeanor. A person who intentionally commits the offense of
6	animal neglect which results in serious injury to or the death
7	of an animal is guilty of a serious an aggravated misdemeanor.
8	Sec. 2. Section 717B.3A, subsection 3, paragraph a, Code
9	2014, is amended by striking the paragraph and inserting in
10	lieu thereof the following:
11	a. A person who commits animal torture is guilty of a class
12	"D" felony. The sentencing order shall provide that the person
13	submit to psychological evaluation and treatment according to
14	terms required by the court. The costs of the psychological
15	evaluation and treatment shall be paid by the person.
16	EXPLANATION
17	The inclusion of this explanation does not constitute agreement with
18	the explanation's substance by the members of the general assembly.
19	INCREASE IN CRIMINAL PENALTIES FOR OFFENSES INVOLVING
20	CERTAIN ANIMALS. This bill amends provisions in Code chapter
21	717B to increase the criminal penalties for two related classes
22	of offenses involving injuring or killing an animal. "Animal"
23	is defined in Code section 717B.1 to mean a nonhuman vertebrate
24	other than livestock which is governed under Code chapter 717;
25	any game, fur-bearing animal, fish, reptile, or amphibian not
26	owned, confined, or controlled by a person; or any nongame
27	species declared to be a nuisance.
28	ANIMAL NEGLECT. The bill increases the criminal penalty
29	for the offense classified as animal neglect. The general
30	penalty, which applies regardless of whether an act is
31	committed negligently or intentionally, is increased from a
3 2	simple misdemeanor to a serious misdemeanor. An enhanced
33	penalty, which applies when an animal is seriously injured or
34	dies, is increased from a serious misdemeanor to an aggravated
35	misdemeanor.



H.F. 2023

A person commits animal neglect by failing to supply the 2 animal during confinement with a sufficient quantity of food or 3 water; failing to provide a confined dog or cat with adequate 4 shelter; or torturing, depriving of necessary sustenance, 5 mutilating, beating, or killing an animal by any means which 6 causes unjustified pain, distress, or suffering. The law does 7 not apply to a research facility, provided that the research 8 facility performs functions within the scope of accepted 9 practices and disciplines (Code section 162.2). 10 ANIMAL TORTURE. The bill increases the criminal penalty 11 for animal torture from an aggravated misdemeanor to a class 12 "D" felony beginning with the first offense. Currently, 13 a person is subject to a felony only after committing a 14 second or subsequent offense. The bill also eliminates a 15 requirement that a guilty person committing a first offense 16 complete a community work requirement, which may be performed 17 at an animal shelter. The bill does not modify an existing 18 provision requiring a guilty person to undergo psychological 19 evaluation and treatment. It also retains a provision that 20 gives the juvenile court exclusive original jurisdiction in 21 cases involving children, and precludes the juvenile court from 22 waiving jurisdiction in a proceeding concerning an offense 23 alleged to have been committed by a child under the age of 17. CRIMINAL PENALTIES. A simple misdemeanor is punishable by 25 confinement for no more than 30 days or a fine of at least 26 \$65 but not more than \$625 or by both. A serious misdemeanor 27 is punishable by confinement for no more than one year and a 28 fine of at least \$315 but not more than \$1,875. An aggravated 29 misdemeanor is punishable by confinement for no more than two 30 years and a fine of at least \$625 but not more than \$6,250. A 31 class "D" felony is punishable by confinement for no more than 32 five years and a fine of at least \$750 but not more than \$7,500.



House File 2024 - Introduced

HOUSE FILE 2024 BY HEARTSILL

- 1 An Act providing for a task force to develop common statewide
- 2 service delivery districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1	Section 1. TASK FORCE — STATE SERVICE DISTRICT		
2	ALIGNMENT. The department of management shall convene a		
3	task force to develop a plan to align the boundaries of as		
4	many statewide service districts as is feasible. The task		
5	force shall include representatives from the judicial branch,		
6	department of human services, Iowa workforce development, the		
7	department of education, and any other department that provides		
8	services to Iowans statewide utilizing regional districts. The		
9	purpose of the task force is to identify common boundaries,		
10	to the extent practicable, for the delivery of services that		
11	are provided on a regional district basis with the goal of		
12	providing cost efficiencies through possible colocation of		
13	3 services within the identified districts. The task force shall		
14	4 submit a realignment plan, including analysis of applicable		
15	5 legal and cost issues, to the general assembly by January 1,		
16	2015.		
17	EXPLANATION		
18	The inclusion of this explanation does not constitute agreement with		
19	the explanation's substance by the members of the general assembly.		
20	This bill requires the department of management to convene		
21	a task force to develop common statewide service districts.		
22	The task force shall include representatives from the		
23	judicial branch, department of human services, Iowa workforce		
24	development, the department of education, and any other		
25	department that provides services on a regional district basis.		
26	The task force shall submit a plan to the general assembly by		
27	January 1, 2015.		



House File 2025 - Introduced

HOUSE FILE 2025 BY HEARTSILL

- 1 An Act providing for a feasibility study for restructuring
- 2 state government based on function.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1	Section 1. STATE DEPARTMENT FUNCTIONAL RESTRUCTURING
2	STUDY. The department of management, in consultation with
3	affected state agencies, shall conduct a study to assess the
4	impact of reorganizing the various divisions, bureaus, and
5	offices of state government based on the functions performed
6	by each. The goal of the study is to assess the costs and
7	benefits of reallocating state agencies based on function with
8	the goal of better aligning state agencies based on function.
9	The department shall submit a report to the general assembly
LO	by January 1, 2015, concerning the results of the study and
L1	a proposed functional reallocation plan. The report shall
L 2	analyze any cost or legal issues relative to the proposed
L 3	reallocation of state agencies and shall include proposed
L 4	legislation for implementing the proposed plan.
L 5	EXPLANATION
16	The inclusion of this explanation does not constitute agreement with
17	the explanation's substance by the members of the general assembly.
L8	This bill requires the department of management to conduct
L 9	a study to assess the impact of reorganizing and reallocating
20	state agencies based on function. The bill requires the
21	department of management to submit the results of the study and
22	a proposed functional reallocation plan to the general assembly
23	by January 1, 2015.



House File 2026 - Introduced

HOUSE FILE 2026 BY HEARTSILL

- 1 An Act providing for a feasibility study for restructuring
- 2 state government departments.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1	Section 1. STATE DEPARTMENT RESTRUCTURING STUDY. The
2	department of management, in consultation with affected state
3	departments, shall conduct a study concerning the feasibility
4	of reducing the number of principal state departments,
5	as listed in section 7E.5, headed by directors under the
6	governor's direct control. The goal of the study is to develop
7	a plan to reduce the number of such departments to no more
8	than ten. The department shall submit a report to the general
9	assembly by January 1, 2015, concerning the results of the
L O	study and a proposed restructuring plan. The report shall
Ll	analyze any cost or legal issues relative to the proposed
L 2	restructuring and shall include proposed legislation for
L 3	implementing the proposed departmental restructuring.
L 4	EXPLANATION
15	The inclusion of this explanation does not constitute agreement with
16	the explanation's substance by the members of the general assembly.
L 7	This bill requires the department of management to conduct
	a study with the goal of developing a plan for reducing the
	number of state departments to no more than 10. The bill
	-
20	requires the department of management to submit the results
21	of the study and a proposed restructuring plan to the general
22	assembly by January 1, 2015.



House File 2027 - Introduced

HOUSE FILE 2027

BY WESSEL-KROESCHELL,

ANDERSON, LUNDBY, STECKMAN,

KEARNS, GASKILL, STAED,

HEDDENS, HANSON, MASCHER,

KRESSIG, COHOON, MURPHY,

and RUFF

- 1 An Act providing an individual income tax credit equal to a
- 2 percentage of the federal American opportunity tax credit
- 3 and including retroactive applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



H.F. 2027

Section 1. NEW SECTION. 422.12A American opportunity tax 2 credit. 1. The taxes imposed under this division, less the credits 4 allowed under section 422.12, shall be reduced by an American 5 opportunity tax credit equal to twenty-five percent of the 6 federal American opportunity tax credit provided in section 7 25A(i) of the Internal Revenue Code. Any credit in excess of 8 the tax liability is refundable. 2. Married taxpayers electing to file separate returns or 10 filing separately on a combined return may avail themselves of 11 the American opportunity tax credit by allocating the American 12 opportunity tax credit to each spouse in the proportion that 13 each spouse's respective net income bears to the total combined 14 net income. Taxpayers affected by the allocation provisions 15 of section 422.8 shall be permitted a deduction for the credit 16 only in the amount fairly and equitably allocable to Iowa under 17 rules prescribed by the director. Sec. 2. RETROACTIVE APPLICABILITY. This Act applies 19 retroactively to January 1, 2014, for tax years beginning on 20 or after that date. 21 EXPLANATION The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly. This bill provides a state individual income tax credit 25 equal to 25 percent of the federal American opportunity tax 26 credit provided in section 25A(i) of the Internal Revenue 27 Code (IRC). In general, the federal American opportunity 28 tax credit, which is a modified version of the federal hope 29 scholarship tax credit described in IRC § 25A(b), is an 30 education credit equal to a certain percentage of the tuition, 31 fees, and course materials of attending a postsecondary 32 educational institution for a taxpayer or the taxpayer's spouse 33 or dependent. The maximum credit is \$2,500 per student, per 34 tax year. The credit is available for the first four years 35 of postsecondary education and is gradually phased out for

Page 24 of 67



- 1 taxpayers with incomes between \$80,000 and \$90,000 for a
- 2 single taxpayer and between \$160,000 and \$180,000 for married
- 3 taxpayers. The Iowa American opportunity tax credit will be
- 4 available through tax year 2017, which is when the federal
- 5 tax credit is set to expire. Any credit in excess of the tax
- 6 liability is refundable.
- 7 Although married taxpayers must file a joint return to
- 8 receive the federal tax credit, married taxpayers electing to
- 9 file separate returns or separately on a combined return may
- 10 claim the Iowa American opportunity tax credit by allocating
- 11 the credit according to each spouse's respective net income.
- 12 The bill applies retroactively to tax years beginning on or
- 13 after January 1, 2014.



Senate Study Bill 3033 - Introduced

SENATE FILE ______
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

- 1 An Act relating to the use of remotely operated aerial vehicles
- 2 and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



33

34

Iowa General Assembly Daily Bills, Amendments and Study Bills January 17, 2014

S.F. ____

1	Section 1. NEW SECTION. 80C.1 Use of remotely operated		
2	aerial vehicles — permit — penalty.		
3	1. As used in this section:		
4	a. "Person" means the same as in section 4.1.		
5	b. "Remotely operated aerial vehicle" means an aircraft		
6			
7	intervention from within or on the aircraft.		
8	2. a. Except as provided in paragraphs " b " and " c ",		
9	a person shall not use a remotely operated aerial vehicle		
10	anywhere in this state unless the person obtains a permit to		
11	l use the remotely operated aerial vehicle from the department		
12	of public safety. Such a permit shall only be valid for an		
13	unarmed remotely operated aerial vehicle that is capable		
14	4 of streaming or recording images of or detecting sound		
15	from the single-family residence of the permittee or other		
16	nonresidential property owned or controlled by the permittee.		
17	b. A person may use an unarmed remotely operated aerial		
18	vehicle without a permit if the remotely operated aerial		
19	vehicle does not have the capability of streaming or recording		
20	images or detecting sound, and the person operates the remotely		
	operated aerial vehicle over the single-family residence of the		
22	person or other nonresidential property owned or controlled by		
23	the person.		
24	c. A law enforcement agency may use an unarmed remotely		
	operated aerial vehicle without obtaining a permit if		
26	authorized by a search warrant.		
27	3. A person who violates this section shall be assessed		
28	a civil penalty in the amount of one hundred dollars for a		
29	first violation and two hundred fifty dollars for a second or		
30	•		
31	4. The department of public safety shall adopt rules		
32	pursuant to chapter 17A to administer this section.		

LSB 5080SC (8) 85 jm/rj

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

s.	F.		
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1 This bill regulates the use of remotely operated aerial 2 vehicles.

- 3 The bill defines "remotely operated aerial vehicle" to mean
- 4 an aircraft that is operated without the possibility of direct
- 5 human intervention from within or on the aircraft.
- 6 Under the bill, a person shall not use a remotely operated
- 7 aerial vehicle anywhere in this state unless the person obtains
- 8 a permit to use the remotely operated aerial vehicle from the
- 9 department of public safety. Such a permit shall only be
- 10 valid for an unarmed remotely operated aerial vehicle that is
- 11 capable of streaming or recording images of or detecting sound
- 12 from the single-family residence of the permittee or other
- 13 nonresidential property owned or controlled by the permittee.
- 14 The bill allows a person to use an unarmed remotely operated
- 15 aerial vehicle without a permit if the remotely operated aerial
- 16 vehicle does not have the capability of streaming or recording
- 17 images or detecting sound, and the person operates the remotely
- 18 operated aerial vehicle over the single-family residence of the
- 19 person or other nonresidential property owned or controlled by
- 20 the person.
- 21 The bill also allows a law enforcement agency to use an
- 22 unarmed remotely operated aerial vehicle without a permit under
- 23 the authority of a search warrant.
- 24 A person who violates the bill shall be assessed a civil
- 25 penalty in the amount of \$100 for a first violation and \$250
- 26 for a second or subsequent violation.
- 27 The department of public safety is required to adopt rules
- 28 to administer the bill.



Senate Study Bill 3034 - Introduced

SENATE FILE ______

BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

- 1 An Act relating to the criminal offense of interference with
- 2 official acts, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



S.F.

Section 1. Section 719.1, subsection 2, unnumbered 2 paragraph 1, Code 2014, is amended to read as follows: A person under the custody, control, or supervision of 4 the department of corrections, a county jail, or a municipal 5 holding facility, commits interference with official acts when 6 the person knowingly resists, obstructs, or interferes with a 7 correctional officer, jailer, agent, employee, or contractor, 8 whether paid or volunteer, in the performance of the person's 9 official duties. 10 EXPLANATION 11 The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly. 12 This bill relates to interference with official acts. 13 Under the bill, a person under the custody, control, or 14 15 supervision of a county jail or municipal holding facility who 16 knowingly resists, obstructs, or interferes with a jailer, 17 agent, employee, or contractor in the performance of the 18 official duties of the jailer, agent, employee, or contractor 19 commits interference with official acts. The criminal offense for the commission of interference 20 21 with official acts pursuant to the bill ranges from a serious 22 misdemeanor through a class "C" felony depending upon the facts 23 of the offense under Code section 719.1(2). A person who assaults a jailer may also be punished pursuant 25 to the existing provisions of Code section 708.3A.



Senate Study Bill 3035 - Introduced

SENATE FILE ______
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

- ${\tt l}$ An Act relating to a magistrate acting as counsel for clients
- within the jurisdiction of the magistrate.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



S.F.

Section 1. Section 602.1605, subsection 2, Code 2014, is 1 2 amended to read as follows: 2. If a magistrate who practices law appears as counsel 4 for a client in a matter that is within the jurisdiction of a5 the magistrate, that matter shall be heard only by a district 6 judge or a district associate judge. A disqualification under 7 this section shall be had upon motion of the magistrate or of 8 any party, either orally or in writing, and the clerk of the 9 district court shall reassign the matter to a proper judicial 10 officer. If the matter involves a criminal or juvenile 11 delinquency proceeding the disqualification of a magistrate who 12 practices law shall be as provided in subsection 3. Sec. 2. Section 602.1605, Code 2014, is amended by adding 13 14 the following new subsections: NEW SUBSECTION. 3. A magistrate shall be disqualified from 16 appearing as counsel in any criminal or delinquency proceeding 17 in any court within the jurisdiction of the magistrate. NEW SUBSECTION. 4. As used in this section, "jurisdiction 19 of the magistrate" means the magistrate's county of appointment 20 and any other county in which the magistrate regularly holds 21 court. 22 **EXPLANATION** 23 The inclusion of this explanation does not constitute agreement with 24 the explanation's substance by the members of the general assembly. This bill relates to a magistrate acting as counsel for 25 26 clients within the geographical jurisdiction of the magistrate. The bill disqualifies a magistrate from appearing as counsel 27 28 in any criminal or delinquency proceeding in any court within 29 the geographical jurisdiction of the magistrate. The bill defines "jurisdiction of the magistrate" to mean 30 31 the magistrate's county of appointment and any other county in 32 which the magistrate regularly holds court.



Senate Study Bill 3036 - Introduced

SENATE FILE ______
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

- 1 An Act relating to elections or appointments to a county
- 2 magistrate appointing commission.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



S.F. ____

1	Section 1. Section 602.6502, Code 2014, is amended to read		
2	as follows:		
3	602.6502 Prohibitions to appointment.		
4	A member of a county magistrate appointing commission		
5	shall not be appointed to the office of magistrate, and shall		
6	not be nominated for or appointed to the office of district		
7	associate judge, office of associate juvenile judge, or office		
8	of associate probate judge. A member of the commission shall		
9	not be eligible to vote for the appointment or nomination of		
10	a family member, current law partner, or current business		
11	partner, or current member of the same office. For purposes		
12	of this section, "family member" means a spouse, son, daughter,		
13	brother, sister, uncle, aunt, first cousin, nephew, niece,		
14	father-in-law, mother-in-law, son-in-law, daughter-in-law,		
15	brother-in-law, sister-in-law, father, mother, stepfather,		
16	s stepmother, stepson, stepdaughter, stepbrother, stepsister,		
17	half brother, or half sister.		
18	Sec. 2. Section 602.6503, subsection 2, Code 2014, is		
19	amended to read as follows:		
20	2. The board of supervisors shall not appoint an attorney on		
21	an active law enforcement officer to serve as a commissioner.		
22	Sec. 3. Section 602.6504, subsection 2, Code 2014, is		
23	amended to read as follows:		
24	2. A Notwithstanding section 39.11 or any other law or rule		
25	$\frac{1}{2}$ to the contrary, a county attorney shall not may be elected to		
26	5 the commission.		
27	EXPLANATION		
28 29	The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.		
30	This bill relates to the election or appointment to a county		

32 The bill allows the board of supervisors to appoint an

33 active law enforcement officer to serve as a commissioner

34 on a magistrate appointing commission. Currently, such an

35 appointment is prohibited.

31 magistrate appointing commission.

LSB 5116XC (3) 85 jm/rj 1

-1-



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- 1 The bill also provides that a county attorney may be elected
- 2 to serve on a county magistrate appointing commission. Current
- 3 law prohibits a county attorney from being elected to the
- 4 commission.
- The bill makes a commissioner of a county magistrate
- 6 appointment commission ineligible to vote for the appointment
- 7 or nomination of a current member of the commissioner's same
- 8 office. Current law provides that a commissioner is ineligible
- 9 to vote for the appointment or nomination of a family member,
- 10 current law partner, or current business partner.
- 11 A county magistrate commission appoints the magistrates
- 12 authorized for each county pursuant to Code section 602.6403.
- 13 A county magistrate commission consists of a district judge,
- 14 three commissioners appointed by the county supervisors, and
- 15 two commissioners elected by the attorneys residing in the
- 16 county.



Senate Study Bill 3037 - Introduced

SENATE/HOUSE FILE ______
BY (PROPOSED STATE PUBLIC DEFENDER BILL)

- 1 An Act relating to payments from the indigent defense fund by
- the state public defender, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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- 1 Section 1. Section 13B.4, subsection 4, paragraph d, Code
- 2 2014, is amended by striking the paragraph.
- 3 Sec. 2. Section 13B.4, subsection 8, Code 2014, is amended
- 4 to read as follows:
- 8. The state public defender shall adopt rules, as
- 6 necessary, pursuant to chapter 17A to interpret and administer
- 7 this chapter, and chapter 815, and sections 229A.6, 232.11,
- 8 232.89, 232.113, 232.126, 232.141, 232.179, 600A.6A, 600A.6B,
- 9 814.11, and 908.2A. The state public defender shall have the
- 10 discretion to interpret such rules.
- 11 Sec. 3. <u>NEW SECTION</u>. **13B.4A** Judicial review of agency 12 action.
- 13 1. Notwithstanding chapter 17A, a claimant for payment of
- 14 indigent defense costs may seek judicial review of the state
- 15 public defender's final agency action denying or reducing any
- 16 claim by filing a motion for judicial review in the court with
- 17 jurisdiction over the original appointment. This section is
- 18 the sole and exclusive method of seeking judicial review of the
- 19 state public defender's action on any claim for payment.
- 20 a. A claimant may only file the motion after the state
- 21 public defender has taken final agency action, as defined by
- 22 the state public defender, on the claim, and the claimant must
- 23 file the motion within twenty days of the date that the state
- 24 public defender provides notice of the final agency action to
- 25 the claimant.
- 26 b. Failure to seek judicial review within twenty days of
- 27 the date that the state public defender provides notice to the
- 28 claimant of final agency action as defined by the state public
- 29 defender shall preclude any judicial review of the action taken
- 30 by the state public defender.
- 31 c. The motion must clearly and concisely set forth the
- 32 grounds for error and any other grounds the claimant intends
- 33 to rely upon when challenging the action of the state public
- 34 defender.
- 35 2. a. The court shall set the motion for hearing and

LSB 5287DP (5) 85 jm/rj



S.F.	H.F.	

- 1 provide the state public defender with at least ten days'
- 2 notice of the hearing. The state public defender shall not
- 3 be required to file a resistance to the motion for judicial
- 4 review.
- 5 b. The claimant or state public defender may participate
- 6 in the hearing by telephone. If the state public defender
- 7 participates by telephone, the state public defender shall be
- 8 responsible for initiating the telephone call and paying all
- 9 telephone charges incurred for the hearing.
- 10 3. The claimant shall have the burden to show by a
- 11 preponderance of the evidence any of the following, otherwise
- 12 the action of the state public defender shall be affirmed:
- 13 a. The action of the state public defender violates the
- 14 Constitution of the United States or the Constitution of the
- 15 State of Iowa, a statute, or an administrative rule adopted by
- 16 the state public defender.
- 17 b. The action of the state public defender is arbitrary,
- 18 capricious, or an abuse of discretion.
- 19 4. In a hearing on a motion for judicial review of an action
- 20 of the state public defender the following shall apply:
- 21 a. The state public defender's interpretation of the rules
- 22 adopted by the state public defender or a statute, which the
- 23 state public defender is vested with discretion to interpret
- 24 pursuant to section 13B.4, subsection 8, is binding on the
- 25 court unless the interpretation is irrational, illogical, or a
- 26 wholly unjustifiable interpretation of the law.
- 27 b. Factual findings of the state public defender must be
- 28 accepted by the court unless not supported by substantial
- 29 evidence.
- c. If the state public defender provides an administrative
- 31 procedure for review of an action on a claim, the court shall
- 32 not consider any grounds for error or any other grounds unless
- 33 raised with the state public defender prior to the final agency
- 34 action, and the court shall not admit new evidence that was
- 35 not presented to the state public defender prior to the final

LSB 5287DP (5) 85 jm/rj 2/11

-2-



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- 1 agency action.
- If the state public defender is not first notified and
- 3 given an opportunity to be heard, any court order entered after
- 4 the state public defender has taken action on the claim, which
- 5 affects the claim, is void.
- 6. The decision of the court following a hearing on a motion
- 7 for judicial review is a final judgment appealable by either
- 8 the claimant or state public defender.
- 9 Sec. 4. Section 13B.4B, subsection 2, paragraphs c and d,
- 10 Code 2014, are amended to read as follows:
- 11 c. The state public defender may in the state public
- 12 defender's sole discretion release claims and supporting
- 13 documents, including any information that would otherwise
- 14 be confidential in sections 232.147 through 232.150, to the
- 15 auditor of state, the Iowa supreme court attorney disciplinary
- 16 board, the grievance commission of the supreme court of Iowa,
- 17 or to other state or local agencies to the extent necessary
- 18 to investigate fraud or other criminal activity against the
- 19 attorney or vendor submitting the claim.
- 20 d. The state public defender may release the claim and
- 21 supporting documents to the court with respect to a hearing
- 22 held under section 13B.4, subsection 4, paragraph "d" 13B.4A.
- Sec. 5. Section 232.151, Code 2014, is amended to read as
- 24 follows:
- 25 232.151 Criminal penalties.
- 26 Any person who knowingly discloses, receives, or makes
- 27 use or permits the use of information derived directly or
- 28 indirectly from the records concerning a child referred to in
- 29 sections 232.147 to through 232.150, except as provided by
- 30 those sections or section 13B.4B, subsection 2, paragraph c'',
- 31 shall be guilty of a serious misdemeanor.
- 32 Sec. 6. Section 600A.6B, Code 2014, is amended to read as
- 33 follows:
- 34 600A.6B Payment of attorney fees.
- 35 l. A person filing a petition for termination of parental

LSB 5287DP (5) 85 jm/rj



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1 rights under this chapter or the person on whose behalf the 2 petition is filed shall be responsible for the payment of 3 reasonable attorney fees for services provided by counsel 4 appointed pursuant to section 600A.6A in juvenile court or in 5 an appellate proceeding initiated by the person filing the 6 petition unless the person filing the petition is a private 7 child-placing agency as defined in section 238.1 licensed under 8 chapter 238 or unless the court determines that the person 9 filing the petition or the person on whose behalf the petition 10 is filed is indigent. 2. If the person filing the petition is a private 12 child-placing agency as defined in section 238.1 licensed 13 under chapter 238 or if the person filing the petition or the 14 person on whose behalf the petition is filed is indigent, the 15 appointed attorney shall be paid reasonable attorney fees 16 prospective parent on whose behalf the petition is filed 17 shall be responsible for the payment of reasonable attorney 18 fees for services provided in juvenile court or an appellate 19 proceeding as determined by the state public defender for 20 counsel appointed pursuant to section 600A.6A unless the court 21 determines that the prospective parent on whose behalf the 22 petition is filed is indigent. 3. If the prospective parent on whose behalf the petition 23 24 is filed is indigent, and if the person filing the petition 25 is indigent or a private child-placing agency licensed under 26 chapter 238, the appointed counsel shall be paid reasonable 27 attorney fees as determined by the state public defender from 28 the indigent defense fund established in section 815.11. 3. 4. If the parent against whom the petition is filed 29 30 appeals a termination order under section 600A.9, subsection 1, 31 paragraph "b", the person who filed the petition or the person 32 on whose behalf the petition is filed shall not be responsible 33 for the payment of attorney fees for services provided by 34 counsel appointed pursuant to section 600A.6A in the appellate

35 proceeding. Instead, the appointed attorney shall be paid



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- 1 reasonable attorney fees as determined by the state public
- 2 defender from the indigent defense fund established pursuant
- 3 to section 815.11.
- 4 4. 5. The state public defender shall review all the
- 5 claims submitted under this section subsection 3 or 4 and shall
- 6 have the same authority with regard to the payment of these
- 7 claims as the state public defender has with regard to claims
- 8 submitted under chapters 13B and 815, including the authority
- 9 to adopt rules concerning the review and payment of claims 10 submitted.
- 11 Sec. 7. <u>NEW SECTION</u>. 815.1 Costs incurred by a privately 12 retained attorney representing an indigent person.
- 13 1. The court shall not authorize the payment of state
- 14 funds for the costs incurred in the legal representation of a
- 15 person represented by a privately retained attorney unless the
- 16 requirements of this section are satisfied.
- 17 2. An application for the payment of state funds for the
- 18 costs incurred in the legal representation of an indigent
- 19 person that is submitted by the privately retained attorney
- 20 shall be submitted in camera to the court in the county in
- 21 which the case was filed and include the following:
- 22 a. A copy of the attorney's fee agreement for the
- 23 representation.
- 24 b. An itemized accounting of all compensation paid to the
- 25 attorney including the amount of any retainer.
- 26 c. The amount of compensation earned by the attorney.
- 27 d. Information on any expected additional costs to be paid
- 28 or owed by the represented person to the attorney for the
- 29 representation.
- 30 e. A signed financial affidavit completed by the represented
- 32 3. The attorney shall submit a copy of the application and
- 33 all attached documents to the state public defender.
- 34 4. The court shall not grant the application and authorize
- 35 all or a portion of the payment to be made from state funds

LSB 5287DP (5) 85 jm/rj

-5-



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1 unless the court determines, after reviewing the application

2 and supporting documents, that all of the following apply:

- a. The represented person is indigent and unable to pay for
- 4 the costs sought to be paid by the attorney.
- 5 b. The costs are reasonable and necessary for the
- 6 representation of the person in a case for which counsel could
- 7 have been appointed under section 815.10.
- 8 c. The moneys paid or to be paid to the attorney by or on
- 9 behalf of the represented person are insufficient to pay all or
- 10 a portion of the costs sought to be paid from state funds.
- ll (1) In determining whether the moneys paid or to be paid to
- 12 the attorney are insufficient for purposes of this paragraph
- 13 c, the court shall add the hours previously worked to the
- 14 hours expected to be worked to finish the case and multiply
- 15 that sum by the hourly rate of compensation specified under
- 16 section 815.7.
- 17 (2) If the product calculated in subparagraph (1) is
- 18 greater than the moneys paid or to be paid to the attorney by
- 19 or on behalf of the represented person, the moneys shall be
- 20 considered insufficient to pay all or a portion of the costs
- 21 sought to be paid from state funds.
- 22 (3) If the private attorney is retained on a flat fee
- 23 agreement, and a precise record of hours worked is not
- 24 available, the privately retained attorney shall provide the
- 25 court a reasonable estimate of the time expended to allow the
- 26 court to make the calculation pursuant to this paragraph "c".
- $\,$ 5. This section applies to payments to witnesses under
- 28 section 815.4, evaluators, investigators, and certified
- 29 shorthand reporters, and for other costs incurred in the legal
- 30 representation.
- 6. This section shall not be construed to restrict payment
- 32 of costs on behalf of an indigent person represented on a pro
- 33 bono basis.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

LSB 5287DP (5) 85



the explanation's substance by the members of the general assembly. 2 This bill relates to payments from the indigent defense fund 3 by the state public defender. The bill specifies the state public defender may adopt rules 5 to interpret and administer Code sections 229A.6 (sexually 6 violent predators), 232.11 (juvenile delinquency), 232.89 7 (child in need of assistance), 232.113 (termination of parental 8 rights in juvenile court), 232.126 (appointment of guardian 9 ad litem for family in need of assistance), 232.141 (juvenile 10 court expenses and costs), 232.179 (appointment of counsel and 11 guardian ad litem for voluntary foster care placement), 600A.6A 12 (termination of parental rights), 600A.6B (payment of attorney 13 fees for termination of parental rights), 814.11 (indigent's 14 right to counsel), and 908.2A (appointment of an attorney for 15 violations of probation or parole). The bill strikes the current provisions for judicial review 17 of an indigent fee claim in Code section 13B.4(4)(d) and 18 replaces this provision with new Code section 13B.4A. Under 19 the bill, an indigent defense claimant may seek judicial review 20 of the final agency action of the state public defender denying 21 or reducing an indigent defense claim by filing a motion 22 for judicial review in the court with jurisdiction over the 23 original court appointment. The bill requires the motion to be filed within 20 days of 24 25 the date that the state public defender provides notice of the 26 final agency action to the claimant. The bill also requires 27 the motion to clearly and concisely set forth the grounds 28 for error the claimant intends to rely upon when challenging 29 the final agency action of the state public defender. Under 30 the bill, failure to seek judicial review within 20 days of 31 the notice provided by the state public defender precludes 32 any judicial review of the action taken by the state public 33 defender. The bill requires the motion to be set for a hearing and that 35 the state public defender be provided at least 10 days' notice



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1 of the hearing. The bill does not require the state public 2 defender to file a resistance to the motion. The claimant or 3 state public defender may appear at the hearing by telephone, 4 however, if the state public defender appears by telephone, the 5 state public defender shall be responsible for initiating and 6 paying all telephone charges incurred during the hearing. The bill specifies that if the state public defender is not 8 first notified and given an opportunity to be heard on a motion 9 to review a claim for payment, any court order entered after 10 the state public defender has taken action on the claim, which ll affects the claim, is void. The bill requires the claimant to prove by a preponderance of 12 13 the evidence that the final agency action of the state public 14 defender violated the constitutions of the United States or the 15 State of Iowa, a statute, or an administrative rule, or that 16 the final agency action was arbitrary, capricious, or an abuse 17 of discretion. Under the bill, if the state public defender provides an 18 19 administrative procedure for review of an action on a claim, 20 the court, during judicial review, shall not consider any 21 grounds for error unless raised with the state public defender 22 prior to the final agency action, and the court is prohibited 23 from admitting new evidence that was not previously presented 24 to the state public defender. The bill also allows the state public defender to provide 26 indigent defense claims and supporting documents relating to 27 confidential juvenile records to the auditor of state, the 28 Iowa supreme court attorney disciplinary board, or grievance 29 commission, or to other state or local agencies for the purpose 30 of investigating fraud or criminal activity. Current law 31 allows the release of indigent defense claims and supporting 32 documents for the purpose of investigating fraud or criminal 33 activity but does not specifically allow for the release of 34 confidential juvenile records for the purpose of investigating

> LSB 5287DP (5) 85 jm/rj 8/11

35 fraud or other criminal activity.



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- 1 The bill makes it a serious misdemeanor for a person to
- 2 knowingly disclose confidential juvenile information relating
- 3 to an indigent defense claim except as provided in Code section
- 4 13B.4B(2)(c). Current law allows disclosure of confidential
- 5 juvenile information under Code sections 232.147 through
- 6 232.150.
- 7 The bill provides that a child-placing agency licensed under
- 8 Code chapter 238 may file a petition to terminate parental
- 9 rights under Code chapter 600A. Current law specifies a
- 10 child-placing agency as defined in Code section 238.1 may file
- 11 such a petition.
- 12 The bill specifies that if a person filing a petition
- 13 to terminate parental rights under Code chapter 600A is a
- 14 child-placing agency licensed under Code chapter 238 or if the
- 15 person filing the petition is indigent, the prospective parent
- 16 on whose behalf the petition is filed shall be responsible for
- 17 the payment of reasonable attorney fees in the case, unless the
- 18 court determines the prospective parent on whose behalf the
- 19 petition is filed is indigent.
- 20 If a prospective parent on whose behalf a petition is filed
- 21 is indigent, and if the person filing the petition is indigent
- 22 or a child-placing agency licensed under Code chapter 238
- 23 files the petition, the bill requires the appointed attorney
- 24 in the case to be paid reasonable attorney fees as determined
- 25 by the state public defender from the indigent defense fund
- 26 established in Code section 815.11.
- 27 The bill establishes a process for payment of state funds
- 28 to a privately retained attorney for the costs incurred in the
- 29 legal representation of a person who is later determined to be
- 30 indigent.
- 31 Under the bill, the privately retained attorney shall submit
- 32 an application for the payment of state funds in camera with
- 33 the court in the county in which the case was filed. The bill
- 34 requires the application to include a copy of the attorney's
- 35 fee agreement, an itemized accounting of all compensation

LSB 5287DP (5) 85 jm/rj 9

-9-



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1 paid to the attorney including the amount of any retainer, 2 information on any expected additional expense paid or owed 3 to the attorney in the case, and a signed financial affidavit 4 completed by the represented person. The bill requires a copy of the application to be submitted 6 to the state public defender. The bill prohibits the payment of state funds to a privately 8 retained attorney unless the court determines that the 9 represented person is indigent and unable to pay for the 10 expenses sought to be paid by the attorney, the expense of the 11 attorney is reasonable and necessary for the representation of 12 an indigent person for which counsel could have been appointed, 13 and the moneys paid or to be paid by or on behalf of the 14 represented person to the private attorney are insufficient to 15 pay all or a portion of the expenses sought to be paid from 16 state funds. In determining whether the moneys paid or to be 17 paid to the attorney are insufficient, the bill requires the 18 court to add the hours previously worked to the hours expected 19 to be worked to finish the case and to multiply that sum by the 20 hourly rate of compensation specified under Code section 815.7. 21 If this calculation is greater than the moneys paid or to be 22 paid by or on behalf of the represented person to the attorney, 23 the bill specifies the moneys shall be considered insufficient 24 to pay all or a portion of the expenses sought to be paid 25 from state funds, and the court may authorize the payment of 26 state funds to the extent the moneys paid or to be paid to the 27 attorney are insufficient to pay the expenses as calculated 28 by the court. If the private attorney is retained on a flat 29 fee agreement, and a precise record of hours worked is not 30 available, the bill requires the privately retained attorney to 31 provide the court a reasonable estimate of the time expended to 32 allow the court to determine whether state funds must be paid 33 to the privately retained attorney. This process of the payment of state funds established in

35 the bill also applies to payments to witnesses, evaluators,



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- 1 investigators, and certified shorthand reporters, and for other
- 2 costs incurred in the legal representation. However, nothing
- 3 in the bill is to be construed to restrict payment of expenses
- 4 from state funds on behalf on an indigent person represented by
- 5 an attorney on a pro bono basis.

LSB 5287DP (5) 85 jm/rj

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Senate Study Bill 3038 - Introduced

SENATE/HOUSE FILE ______
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

- 1 An Act relating to the appointment and removal of clerks of the
- 2 district court.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



S.F. H.F.

Section 1. Section 602.1215, subsection 1, Code 2014, is 2 amended to read as follows: 1. Subject to the provisions of section 602.1209, 4 subsection 3, the district judges of each chief judge of 5 the judicial election district, after consultation with the 6 district judges of the judicial district, shall by majority 7 vote appoint persons to serve as clerks of the district court 8 within the judicial election district. The district judges of 9 a judicial election district chief judge may appoint a person 10 to serve as clerk of the district court for more than one but 11 not more than four contiquous counties in the same judicial 12 district. A person does not qualify for appointment to the 13 office of clerk of the district court unless the person is at 14 the time of application a resident of the state. A clerk of 15 the district court may be removed from office for cause by a16 majority vote of the district judges of the chief judge of 17 the judicial election district. Before Prior to removal, the 18 clerk of the district court shall be notified of the cause for 19 removal. 20 **EXPLANATION** 21 The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly. 23 This bill relates to the appointment of the clerks of the 24 district court. Under current law, a clerk of the district court is appointed 25 26 and may be removed by a majority vote of all district judges in 27 the judicial election district. The state court administrator 28 must approve the appointment. The bill changes the method by which the clerk of the 30 district court is appointed. The amendment permits the chief 31 judge of each judicial district to appoint the clerks of the 32 district court in the judicial district after consultation with 33 the district judges of the judicial district. The amendment 34 also permits the chief judge to remove clerks of the district

35 court for cause.



Senate Study Bill 3039 - Introduced

SENATE FILE ______
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

- ${\tt l}$ An Act relating to the definition of domestic abuse in civil
- 2 domestic abuse and criminal domestic abuse assault cases.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 236.2, subsection 2, Code 2014, is 2 amended to read as follows:
- 3 2. "Domestic abuse" means committing assault as defined in
- 4 section 708.1 under any of the following circumstances:
- 5 a. The assault is between family or household members who
- 6 resided together at the time of the assault.
- 7 b. The assault is between separated spouses or persons
- 8 divorced from each other and not residing together at the time
- 9 of the assault.
- 10 c. The assault is between persons who are parents of the
- 11 same minor child, regardless of whether they have been married
- 12 or have lived together at any time.
- 13 d. The assault is between persons who have been family or
- 14 household members residing together within the past year at any
- 15 time and are not residing together at the time of the assault.
- 16 e. (1) The assault is between persons who are in an
- 17 intimate relationship or have been in an intimate relationship
- 18 and have had contact within the past year of the assault. In
- 19 determining whether persons are or have been in an intimate
- 20 relationship, the court may consider the following nonexclusive
- 21 list of factors:
- 22 (a) The duration of the relationship.
- 23 (b) The frequency of interaction.
- 24 (c) Whether the relationship has been terminated.
- 25 (d) The nature of the relationship, characterized by either
- 26 party's expectation of sexual or romantic involvement.
- 27 (2) A person may be involved in an intimate relationship
- 28 with more than one person at a time.
- 29 Sec. 2. Section 236.5, subsection 2, Code 2014, is amended
- 30 to read as follows:
- 2. An order for counseling, a protective order, or approved
- 32 consent agreement shall be for a fixed period of time not to
- 33 exceed one year. The court may amend or extend its order or a
- 34 consent agreement at any time upon a petition filed by either
- 35 party and after notice and hearing. The court may extend the

LSB 5357XC (5) 85 rh/nh 1/3

-1-



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1 order if the court, after hearing at which the defendant has 2 the opportunity to be heard, finds that the defendant continues 3 to pose a threat to the safety of the victim, persons residing 4 with the victim, or members of the victim's immediate family. 5 At the time of the extension, the parties need not meet the 6 requirement in section 236.2, subsection 2, paragraph "d", 7 that the parties lived together during the last year if the 8 parties met the requirements of section 236.2, subsection 2, 9 paragraph "d", at the time of the original order. The number of 10 extensions that can be granted by the court is not limited. 11 **EXPLANATION** 12 The inclusion of this explanation does not constitute agreement with 13 the explanation's substance by the members of the general assembly. The bill amends Code section 236.2 relating to the 14 15 definition of domestic abuse for purposes of filing a civil 16 protective order under Code section 236.3 and for purposes of 17 domestic abuse assault cases under the criminal Code. Current law defines domestic abuse for purposes of filing a 19 civil protective order to mean committing assault as defined 20 in Code section 708.1 if the assault is between family or 21 household members who resided together at the time of the 22 assault, the assault is between separated spouses or persons 23 divorced from each other and not residing together at the time 24 of the assault, the assault is between persons who are parents 25 of the same minor child, regardless of whether they have been 26 married or have lived together at any time, the assault is 27 between persons who have been family or household members 28 residing together within the past year and are not residing 29 together at the time of the assault, or the assault is between 30 persons who are in an intimate relationship or have been in an 31 intimate relationship and have had contact within the past year 32 of the assault. The bill eliminates any residency requirement 33 relating to an assault that occurred between persons who have 34 been family or household members and are not residing together 35 at the time of the assault. "Domestic abuse assault" under



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- 1 Code section 708.2A incorporates this definition of domestic
- 2 abuse under Code section 236.2.
- The bill makes a conforming change to Code section 236.5
- 4 (court dispositional orders upon a finding of domestic abuse
- 5 in a civil case).



Senate Study Bill 3040 - Introduced

SENATE/HOUSE FILE ______
BY (PROPOSED ATTORNEY GENERAL BILL)

A BILL FOR

- 1 An Act modifying provisions applicable to personal information
- 2 security breach notification requirements, and making
- 3 penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



- Section 1. Section 715C.1, subsection 1, Code 2014, is 2 amended to read as follows:
- 1. "Breach of security" means unauthorized acquisition
- 4 of personal information maintained in computerized form by
- 5 a person that compromises the security, confidentiality, or
- 6 integrity of the personal information. "Breach of security"
- 7 also means unauthorized acquisition of personal information
- 8 maintained by a person in any medium, including on paper, that
- 9 was transferred by the person to that medium from computerized
- 10 form. Good faith acquisition of personal information by a
- 11 person or that person's employee or agent for a legitimate
- 12 purpose of that person is not a breach of security, provided
- 13 that the personal information is not used in violation of
- 14 applicable law or in a manner that harms or poses an actual
- 15 threat to the security, confidentiality, or integrity of the
- 16 personal information.
- Sec. 2. Section 715C.1, subsection 5, Code 2014, is amended 17
- 18 to read as follows:
- 19 5. "Encryption" means the use of an algorithmic process
- 20 to transform data into a form in which the data is rendered
- 21 unreadable or unusable without the use of a confidential
- 22 process or key. For purposes of this chapter, personal
- 23 information shall not be considered encrypted when a key to
- 24 unencrypt the information has been acquired in the breach of
- 25 security by which the personal information was acquired.
- Sec. 3. Section 715C.1, subsection 11, paragraphs c and d, 26
- 27 Code 2014, are amended to read as follows:
- c. Financial account number, credit card number, or debit
- 29 card number alone or in combination with any required security
- 30 code, access code, or password that would permit access to an
- 31 individual's financial account.
- d. Unique electronic identifier or routing code, alone or in 32
- 33 combination with any required security code, access code, or
- 34 password that would permit access to an individual's financial
- 35 account.

-1-



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- Sec. 4. Section 715C.1, subsection 12, Code 2014, is amended 2 to read as follows:
- 12. "Redacted" means altered or truncated so that no more
- 4 than five digits of a social security number or the last
- 5 four digits of other numbers designated in section 715A.8,
- 6 subsection 1, paragraph "a", are accessible as part of the data.
- 7 For purposes of this chapter, personal information shall not be
- 8 considered redacted when a key to unredact the information has
- 9 been acquired in the breach of security by which the personal
- 10 information was acquired.
- Sec. 5. Section 715C.2, Code 2014, is amended to read as 11
- 12 follows:
- 715C.2 Security breach consumer notification requirements 13
- 14 remedies.
- 1. Any person who owns or licenses computerized data that
- 16 includes a consumer's personal information that is used in
- 17 the course of the person's business, vocation, occupation,
- 18 or volunteer activities and that was subject to a breach
- 19 of security shall give notice of the breach of security
- 20 following discovery of such breach of security, or receipt of
- 21 notification under subsection 2, to any consumer whose personal
- 22 information was included in the information that was breached.
- 23 The consumer notification shall be made in the most expeditious
- 24 manner possible and without unreasonable delay, consistent
- 25 with the legitimate needs of law enforcement as provided in
- 26 subsection 3, and consistent with any measures necessary to
- 27 sufficiently determine contact information for the affected
- 28 consumers, determine the scope of the breach, and restore the
- 29 reasonable integrity, security, and confidentiality of the
- 30 data.
- 31 2. Any person who maintains or otherwise possesses personal
- 32 information on behalf of another person shall notify the owner
- 33 or licensor of the information of any breach of security
- 34 immediately following discovery of such breach of security if a
- 35 consumer's personal information was included in the information

LSB 5294DP (6) 85 rn/nh

-2-

S.F.	H.F.	

- 1 that was breached.
- The consumer notification requirements of this section
- 3 may be delayed if a law enforcement agency determines that
- 4 the notification will impede a criminal investigation and
- 5 the agency has made a written request that the notification
- 6 be delayed. The notification required by this section shall
- 7 be made after the law enforcement agency determines that the
- 8 notification will not compromise the investigation and notifies
- 9 the person required to give notice in writing.
- 10 4. For purposes of this section, notification to the
- 11 consumer may be provided by one of the following methods:
- 12 a. Written notice to the last available address the person
- 13 has in the person's records.
- 14 b. Electronic notice if the person's customary method of
- 15 communication with the consumer is by electronic means or is
- 16 consistent with the provisions regarding electronic records and
- 17 signatures set forth in chapter 554D and the federal Electronic
- 18 Signatures in Global and National Commerce Act, 15 U.S.C.
- 19 § 7001.
- 20 c. Substitute notice, if the person demonstrates that
- 21 the cost of providing notice would exceed two hundred fifty
- 22 thousand dollars, that the affected class of consumers to be
- 23 notified exceeds three hundred fifty thousand persons, or
- 24 if the person does not have sufficient contact information
- 25 to provide notice. Substitute notice shall consist of the
- 26 following:
- 27 (1) Electronic mail notice when the person has an electronic
- 28 mail address for the affected consumers.
- 29 (2) Conspicuous posting of the notice or a link to the
- 30 notice on the internet site of the person if the person
- 31 maintains an internet site.
- 32 (3) Notification to major statewide media.
- 33 5. Notice pursuant to this section shall include, at a
- 34 minimum, all of the following:
- 35 a. A description of the breach of security.

-3-

S.F.	H.F.	

- 1 b. The approximate date of the breach of security.
- 2 c. The type of personal information obtained as a result of 3 the breach of security.
- 4 d. Contact information for consumer reporting agencies.
- 5 e. Advice to the consumer to report suspected incidents
- 6 of identity theft to local law enforcement or the attorney 7 general.
- Notwithstanding subsection 1, notification is not
- 9 required if, after an appropriate investigation or after
- 10 consultation with the relevant federal, state, or local
- 11 agencies responsible for law enforcement, the person determined
- 12 that no reasonable likelihood of financial harm to the
- 13 consumers whose personal information has been acquired has
- 14 resulted or will result from the breach. Such a determination
- 15 must be documented in writing and the documentation must be
- 16 maintained for five years.
- 17 This section does not apply to any of the following:
- 18 a. A person who complies with notification requirements or
- 19 breach of security procedures that provide greater protection
- 20 to personal information and at least as thorough disclosure
- 21 requirements than that provided by this section pursuant to
- 22 the rules, regulations, procedures, guidance, or guidelines
- 23 established by the person's primary or functional federal
- 24 regulator.
- 25 b. A person who complies with a state or federal law
- 26 that provides greater protection to personal information and
- 27 at least as thorough disclosure requirements for breach of
- 28 security or personal information than that provided by this
- 29 section.
- 30 $\,$ c. A person who is subject to and complies with regulations
- 31 promulgated pursuant to Title V of the Gramm-Leach-Bliley Act
- 32 of 1999, 15 U.S.C. § 6801 6809.
- 33 8. Any person who owns or licenses computerized data that
- 34 includes a consumer's personal information that is used in
- 35 the course of the person's business, vocation, occupation,

LSB 5294DP (6) 85 rn/nh 4/6

-4-



S.F.	H.F.

- 1 or volunteer activities and that was subject to a breach of
- 2 security shall give written notice of the breach of security
- 3 following discovery of such breach of security, or receipt
- 4 of notification under subsection 2, to the director of the
- 5 consumer protection division of the office of the attorney
- 6 general prior to giving notice of the breach of security to
- 7 any consumer. The requirement to provide notice pursuant to
- 8 this subsection shall not be subject to a request to delay as
- 9 provided in subsection 3, and shall apply regardless of whether
- 10 the person is otherwise excused from giving notice to consumers
- 11 pursuant to subsection 6 or 7.
- 12 8. 9. a. A violation of this chapter is an unlawful
- 13 practice pursuant to section 714.16 and, in addition to the
- 14 remedies provided to the attorney general pursuant to section
- 15 714.16, subsection 7, the attorney general may seek and obtain
- 16 an order that a party held to violate this section pay damages
- 17 to the attorney general on behalf of a person injured by the
- 18 violation.
- 19 b. The rights and remedies available under this section are
- 20 cumulative to each other and to any other rights and remedies
- 21 available under the law.
- 22 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 25 This bill relates to notification requirements applicable
- 26 to security breaches involving consumer personal information
- 27 contained in Code chapter 715C.
- 28 The bill modifies several definitions contained in the
- 29 Code chapter. The bill includes within the definition of a
- 30 "breach of security" the unauthorized acquisition of personal
- 31 information maintained by a person in any medium, including on
- 32 paper, that was transferred by the person to that medium from
- 33 computerized form.
- The definitions of "encryption" and "redacted" are amended
- 35 to add that personal information shall not be considered

LSB 5294DP (6) 85 rn/nh



S.	F.	H.F.	

1 encrypted or redacted when a key to unencrypt or unredact the 2 information has been acquired in the breach of security by 3 which the personal information was acquired. Currently, personal information is defined in the Code 5 chapter to include an individual's first name or first initial 6 and last name together with a financial account number, credit 7 card number, debit card number, or unique electronic identifier 8 or routing code, in combination with any required security 9 code, access code, or password that would permit access to 10 an individual's financial account. The bill provides that 11 a financial account number, credit card number, debit card 12 number, or unique electronic identifier or routing code alone, 13 or in addition to any required security code, access code, or 14 password that would permit access to an individual's financial 15 account, may be considered personal information when combined 16 with an individual's first name or first initial and last name. The bill also requires a person subject to the chapter's 18 consumer notification requirements to notify the director of 19 the consumer protection division of the office of the attorney 20 general prior to giving the required notice of the breach 21 of security to any consumer. The bill provides that this 22 requirement shall not be subject to delay upon the request of 23 law enforcement personnel otherwise applicable to consumer 24 notification, and further shall apply regardless of whether a 25 person is otherwise excused from giving notice pursuant to the 26 chapter's provisions. Existing penalty provisions regarding 27 unlawful practice and damages for violations of the consumer 28 notification requirements would be applicable to the failure 29 to provide notice of a breach of security to the director of 30 the consumer protection division of the office of the attorney 31 general.



Senate Study Bill 3041 - Introduced

SENATE/HOUSE FILE ______
BY (PROPOSED JUDICIAL BRANCH BILL)

A BILL FOR

- 1 An Act relating to the ethical standards of certified shorthand
- 2 reporters and shorthand reporting firms.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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- Section 1. NEW SECTION. 602.3204 Ethical standards for 2 shorthand reporters and shorthand reporting firms.
- 1. Definitions. As used in this section, unless the context 4 otherwise requires:
- a. "Board" means board of examiners of shorthand reporters.
- "Proceeding" means a court proceeding, deposition,
- 7 administrative hearing, arbitration hearing, an examination
- 8 under oath, a sworn statement, or any other proceeding where
- 9 the reporting services of a shorthand reporter certified by the 10 board is used.
- c. "Shorthand reporter" means a shorthand reporter certified 11 12 by the board.
- d. "Shorthand reporting firm" means a shorthand reporting 13
- 14 firm that employs or contracts with a shorthand reporter
- 15 certified by the board, or an entity that bills for the
- 16 reporting services of such a shorthand reporter.
- 2. Purpose of standards. The purpose of this section is to
- 18 ensure the integrity of the record and comparable treatment of
- 19 all parties in proceedings reported by a shorthand reporter,
- 20 by establishing ethical standards for shorthand reporters
- 21 and shorthand reporting firms. A shorthand reporter serves
- 22 as an officer of the court. The appearance and existence of
- 23 impartiality are no less important for officers who report
- 24 proceedings than they are for the judicial officers and other
- 25 persons whose responsibilities are integral to the fair and
- 26 impartial administration of justice.
- 3. Applicability. This section applies to shorthand 27
- 28 reporting services performed by a shorthand reporter or
- 29 shorthand reporting firm under the following circumstances:
- 30 a. Any proceeding in the courts of this state.
- 31 b. Any proceeding that may be presented to a court in this
- 32 state for resolution.
- c. Any proceeding in the courts of another state and
- 34 reported using the services of a shorthand reporter certified
- 35 by the board, but only to the extent this section does not

LSB 5349XD (4) 85 jm/rj

-1-



S.F.	H.F.	

- 1 conflict with the laws or rules of the other state.
- 2 d. Any other proceeding that may be presented to a court
- 3 of another state for resolution, and is reported using the
- 4 services of a shorthand reporter certified by the board, but
- 5 only to the extent this section does not conflict with the laws
- 6 or rules of the other state.
- Duties. Before accepting a reporting engagement or
- 8 assignment, a shorthand reporter or shorthand reporting firm is
- 9 obligated to make reasonable efforts to ascertain whether any
- 10 circumstances exist that would violate this section.
- 11 5. Conflicts of interest.
- 12 a. A proceeding shall not be reported by a party or employee
- 13 of a party, a person financially interested in the proceeding,
- 14 an attorney or an employee of an attorney for a party, or a
- 15 person related within the fourth degree of consanguinity or
- 16 affinity to a party, a party's attorney, or an employee of a
- 17 party or party's attorney.
- 18 b. The compensation of a shorthand reporter or a shorthand
- 19 reporting firm shall not be based or contingent upon the
- 20 outcome of the proceeding.
- 21 c. A shorthand reporter or a shorthand reporting firm shall
- 22 not acquire a financial interest in the proceeding.
- 23 d. A shorthand reporter or shorthand reporting firm shall
- 24 not provide additional advocacy or litigation support services
- 25 in a proceeding reported by the shorthand reporter or shorthand
- 26 reporting firm, including but not limited to trial preparation
- 27 assistance or deposition summaries.
- 28 6. Integrity of transcripts.
- 29 a. The supreme court, with the advice of the board, shall
- 30 adopt rules prescribing the format of transcripts subject to
- 31 this section. The rules adopted by the supreme court shall
- 32 apply whether the transcript is produced in print or electronic
- 33 format. If the format of a transcript materially varies
- 34 from the format adopted by the supreme court, the parties to
- 35 the proceeding shall not be required to pay any fee for the

LSB 5349XD (4) 85 jm/rj

-2-



S.F.	H.F.	

- 1 transcript.
- 2 b. The supreme court, after consultation with the board,
- 3 shall also adopt rules establishing dissemination standards to
- 4 protect the integrity of transcripts subject to this section.
- 7. Fair and reasonable treatment of parties.
- 6 a. A shorthand reporter or shorthand reporting firm shall
- 7 not enter into an agreement for reporting services which
- 8 provide special or different financial terms or payment dates
- 9 or other services that are not offered to all other parties in
- 10 the proceeding. However, different credit terms may be offered
- 11 based on payment history and credit worthiness of a party to
- 12 a proceeding.
- 13 b. Upon the request of a party to a proceeding, the
- 14 shorthand reporter or shorthand reporting firm shall provide
- 15 the requesting party an itemized disclosure of all rates and
- 16 charges for the services performed during the proceeding. The
- 17 supreme court, after consultation with the board, shall adopt
- 18 rules prescribing the form to be used for such a disclosure.
- 19 If the disclosure is not provided, or if the disclosure is
- 20 not provided in sufficient time to allow all parties the
- 21 opportunity to effectively negotiate for any changes necessary
- 22 to ensure that comparable terms and conditions be made
- 23 available to all parties, the fee for the original transcript,
- 24 any copy of the transcript, or of any incidental services shall
- 25 not exceed the fee set by the supreme court by rule after
- 26 consultation with the board.
- c. A shorthand reporter or shorthand reporting firm shall
- 28 not charge a fee for a copy of a transcript that exceeds sixty
- 29 percent of the fee charged for the original transcript. In all
- 30 cases, fees for incidental services other than the original
- 31 transcript or a copy of a transcript shall be billed at the
- 32 same rate for all parties.
- 33 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

LSB 5349XD (4) 85

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-3-



S.F.	H.F.

- This bill relates to the ethical standards of certified 2 shorthand reporters and shorthand reporting firms. The bill defines "shorthand reporter" to mean a shorthand 4 reporter certified by the Iowa board of examiners of shorthand 5 reporters. The bill defines "shorthand reporting firm" to mean a 7 shorthand reporting firm that employs or contracts with a 8 certified shorthand reporter, or an entity that bills for the 9 reporting services of a certified shorthand reporter. 10 The bill also defines "proceeding" to mean a court 11 proceeding, deposition, administrative hearing, arbitration 12 hearing, an examination under oath, a sworn statement, and any 13 other proceeding where the services of a certified shorthand 14 reporter are used. The bill applies ethical standards to any proceeding in the 16 courts of Iowa; any proceeding that may be presented to an Iowa 17 state court for resolution; any proceeding in the court of 18 another state and reported using an Iowa certified shorthand 19 reporter, but only to the extent the provisions of the bill do 20 not conflict with the laws or rules of the other state; and any 21 proceeding that may be presented in the court of another state 22 and reported using an Iowa certified shorthand reporter, but 23 only to the extent the provisions of the bill do not conflict 24 with the laws or rules of the other state. Under the bill, a proceeding shall not be reported by a party 26 or employee of any party, a person financially interested in 27 the proceeding, an attorney or an employee of an attorney for 28 any party, or any person related within the fourth degree of 29 consanguinity or affinity to a party, a party's attorney, or an 30 employee of such a party or attorney.
- The bill prohibits the compensation of a shorthand reporter or a shorthand reporting firm based or contingent upon the outcome of the proceeding being reported. The bill also prohibits a shorthand reporter or a shorthand reporting firm

35 from acquiring a financial interest in any such proceeding.



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1 Under the bill, a shorthand reporter or shorthand reporting 2 firm shall not provide additional advocacy or litigation 3 support services in a proceeding reported by the reporter, 4 including but not limited to trial preparation assistance or 5 deposition summaries. The supreme court, with the advice of the board of examiners 7 for shorthand reporters, shall adopt rules prescribing the 8 format of transcripts subject to the bill. The rules adopted 9 by the supreme court shall apply whether the transcript 10 is produced in print or electronic format. The bill also 11 provides that if the format of a transcript materially 12 varies from the format adopted by the supreme court, the 13 parties to the proceeding shall not be required to pay any 14 fee for the transcript. The bill also requires the supreme 15 court, in consultation with the board, to adopt rules 16 establishing dissemination standards to protect the integrity 17 of transcripts. The bill provides that a shorthand reporter or shorthand 18 19 reporting firm shall not enter into an agreement for reporting 20 services which provide special or different financial terms 21 or payment dates, or other services that are not offered to 22 all other parties in a proceeding. The bill does permit 23 a shorthand reporter or shorthand reporting firm to offer 24 different credit terms based on payment history and credit 25 worthiness of a party to a proceeding. Upon the request of any party to a proceeding, the bill 26 27 requires a shorthand reporter or shorthand reporting firm 28 to provide the requesting party an itemized disclosure of 29 all rates and charges for the services performed during 30 the proceeding. If a requested itemized disclosure is not 31 provided, or if the disclosure is not provided in a sufficient 32 time, the bill requires that the fee for the original

LSB 5349XD (4) 85

-5- jm/rj

33 transcript, a copy of the transcript, or of any incidental 34 services shall not exceed the fees that are set out by rule 35 by the supreme court. The bill requires the supreme court to



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- 1 consult with the board of examiners of shorthand reporters
- 2 prior to establishing this rule.
- The bill specifies that a shorthand reporter or shorthand
- 4 reporting firm shall not charge a fee for a copy of a
- 5 transcript that exceeds 60 percent of the fee charged for the
- 6 original transcript. The bill further specifies that fees for
- 7 incidental services other than the original transcript or a
- 8 copy of a transcript shall be billed at the same rate for all
- 9 parties to a proceeding.
- 10 A person who violates article 3 of Code chapter 602
- 11 (certification and regulation of shorthand reporters) commits a
- 12 simple misdemeanor pursuant to Code section 602.3302.